

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA**

In re:

**Bobby Gene Hawkins
Deanne Rita Hawkins**

Debtor(s).

Case No. **12-40715**

Chapter 13

AMENDMENT TO:

**CHAPTER 13 PLAN, INCLUDING NOTICE OF MOTION(S) FOR VALUATION;
MOTION(S) TO AVOID CERTAIN LIENS; MOTION(S) FOR ASSUMPTION AND
REJECTION OF EXECUTORY CONTRACTS AND UNEXPIRED LEASES; AND
NOTICE OF OPPORTUNITY FOR HEARING ON CONFIRMATION OF THE PLAN
INCLUDING ALL MATTERS AS SET FORTH IN THE PLAN,
FOR CASES FILED ON OR AFTER JULY 2, 2007**

Check for motion applicable to this plan amendment:

- ☒ **Motion to Value Liens Includes Valuation of Property Securing A Claim**
☐ **Motion to Value Liens includes Valuation of Property Securing A Claim in an Amount Less than the Amount of the Claim**
☒ **Motion to Avoid Liens §522(f)**
☐ **Motion to Assume Executory Contracts(s) and Unexpired Leases**
☐ **Motion to Reject Executory Contract(s) and Unexpired Leases**
☐ **No motions applicable to this plan amendment**

The Chapter 13 Plan, including certain motions and other provisions, is hereby **amended** as follows:

1) Section 2(a) is amended to add the secured claim of **Sterling Jewelers, Inc. DBA Kay's Jewelers**. Description of collateral: **Jewelry**. Value of collateral: **\$2,165.39**. Claim amount: **\$2,165.39**. Treatment: **Surrender**.

2) Claim 3 under Section 2(a) is amended to change the interest rate to **5.25%**.

3) Section 4(b) of the Plan is amended to replace the existing Special Term with the following language:

"Debtor proposes to separately classify the unsecured claim of GE Capital Retail Bank/JCPenney (acct. no. 60088928798208561) to pay the claim at 100% with the contract rate of interest of 26.99%. Separate classification and different treatment is proposed on the basis of there being a non-filing cosigner on a consumer debt."

TAKE NOTICE: Your rights may be affected. You should read this amendment to the Chapter 13 Plan carefully, including any motions contained in the amended plan, and discuss them with your attorney, if you have one, in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to confirm the proposed plan of the debtor(s) as amended, including any of the motions included in the amended plan, or if you want the court to consider your views on these matters, then you or your attorney must file with the Court a written objection to confirmation and request for hearing on confirmation at the following addresses:

Cases filed in the **Charlotte, Shelby or Wilkesboro** Divisions:

Clerk, U.S. Bankruptcy Court, 401 W. Trade St, Charlotte, NC 28202

Cases filed in the **Asheville or Bryson City** Divisions:

Clerk, U.S. Bankruptcy Court, Room #112, 100 Otis Street, Asheville, N.C. 28801

Your objection to confirmation and request for hearing must include the specific reasons for your objection, and must be filed with the Court no later than fifteen (15) days following the conclusion of the Section 341(a) meeting of creditors, or within fifteen (15) days of service of the amendment, whichever is later. If you mail your objection to confirmation to the Court for filing, you must mail it early enough so that the Court will receive it on or before the deadline stated above. You must also serve a copy of your objection to confirmation on the debtor(s), the attorney for the debtor(s), and the Chapter 13 trustee at their addresses as they are listed in the notice of the meeting of creditors. If any objections to confirmation are filed with the Court, the objecting party will provide written notice of the date, time and location of the hearing. No hearing will be held unless an objection to confirmation is filed.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the proposed plan of the debtor(s) as amended, including any motions contained in the amended plan, and may enter an order confirming the amended plan and granting the motions. **Any creditor's failure to object to confirmation of the proposed plan as amended shall constitute the creditor's acceptance of the treatment of its claim as proposed, pursuant to 11 U.S.C. Section 1325(a)(5)(A).**

I declare under penalty of perjury that the information provided in the Amendment to Chapter 13 Plan, including Notice of Motion(s) for Valuation; Motion(s) to Avoid Certain Liens; and Motion(s) for Assumption and Rejection of Executory Contracts and Unexpired Leases; as to all matters set forth herein are true and correct.

Dated: February 8, 2013

/s/ Bobby Gene Hawkins

Bobby Gene Hawkins

Debtor's Signature

Dated: February 8, 2013

/s/ Deanne Rita Hawkins

Deanne Rita Hawkins

Debtor's Signature

I hereby certify that I have reviewed this document with the debtor(s) and that the debtor(s) have received a copy of this document.

Dated: February 8, 2013

/s/ Caleb J. Farmer

Caleb J. Farmer 39668

Attorney for Debtor(s)